

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James F. Thaxter, Acting Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Timothy S. Buckley, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Nick A. Grigsby, Deputy Clerk.

F033592 People v. Tinnin, Jr.

Cause called and argued by Oliver Northup, Esq., counsel for appellant and by Kelly LeBel, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, November 8, 2000 at 10:00 A.M.

F033579 Berry v. Golden Eagle Insurance Corporation, et al.

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F036761 People v. Carrera
F036860 People v. Arredondo, Jr.

On its own motion and after notice to the parties, the court orders the captioned matters consolidated for determination of all issues raised therein.

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F031551 Simon, et al. v. Walt Disney World Co., etc.

The court's ruling on respondent's demurrer to the second and third causes of action is affirmed. With respect to the denial of appellants' motion to certify a class action, it is reversed and remanded for further consideration of certification. Wiseman, J.

We concur: Vartabedian, Acting P.J.; Thaxter, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F033866 People v. Rocha

The section 667.5, subdivision (b) enhancements imposed in case No. 607913-1 are stricken, and the judgment is modified accordingly. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting said modification and to forward a certified copy of same to the appropriate authorities.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034079 People v. Rundell

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F034007 People v. Davis, Jr.

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F034297 People v. Davis

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F031269** **In re Marriage of LeFevre**
The judgment is affirmed. Vartabedian, Acting P.J.
We concur: Harris, J.; Levy, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F033863** **People v. Mendoza**
F033893
F035337 **In re Eluid Joseph Mendoza on Habeas Corpus**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F034418** **People v. Sarmienta**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F028186 People v. Joiner, et al.

The judgment is reversed as to Joiner on counts 5, 8, 11, 13, 16, 21, and 23. The court is directed to strike the convictions on these counts and prepare and forward an amended abstract of judgment to the appropriate authorities. The court shall also correct its minute order dated April 11, 1997, to reflect restitution for Careen Terry in the amount of \$4,500. In all other respects the judgment is affirmed.

As to Del and Robin, the judgments are reversed and remanded on all counts, except count 1 with respect to Del, which is reversed for insufficient evidence. Wiseman, J.

We concur: Vartabedian, Acting P.J.; Harris, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

F033634 People v. Orozco

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F033504 People v. Coke

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F030896 In re the Marriage of Gary S. Schenck and Duska R. Schenck

The judgment is affirmed. Costs are awarded to respondent. Buckley, J.

We concur: Thaxter, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034014 People v. Cagle

The judgment is modified to stay the six-month term the court imposed on count III. The trial court is directed to prepare an amended abstract of judgment consistent with this opinion and to forward a certified copy to the Director of Corrections. As modified, the judgment is affirmed.

By the Court.

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F035988 McCrossen v. Weir

Pursuant to written stipulation of the parties hereto, IT IS
HEREBY ORDERED that the appeal in the above-entitled action is
dismissed.

F033764 People v. Cardoza

Counsel having failed to request oral argument in the above-
entitled case, oral argument is deemed waived in accordance with the
provisions of a notice heretofore mailed to counsel and the cause is
submitted.

F034345 People v. Flores, et al.

Counsel having failed to request oral argument in the above-
entitled case, oral argument is deemed waived in accordance with the
provisions of a notice heretofore mailed to counsel and the cause is
submitted.

F035610 Simmons v. Morris

Appellant having filed an abandonment and/or request for
dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the
above-entitled action is dismissed.